

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK DALE FONTROY, et al.,	:	CIVIL ACTION
Plaintiffs	:	
v.	:	
GOVERNOR MARK SCHWEIKER, et al.,	:	
Defendants	:	NO. 02-2949

EXHIBITS TO DEFENDANTS' ANSWER TO PLAINTIFF PAVLICHKO'S  
MOTION FOR PRELIMINARY INJUNCTION

RECEIVED  
MICHAEL PAVLICHKO, JR.

02 APR -3 AM 11:18  
Stillwater Road

Stillwater, Pennsylvania, 17878

(570) 925-2717

*Sharon:  
Please prepare a  
response.  
Thanks,  
Der  
f/3*

Mr. Jeffery Beard, Secretary  
Pa. Department of Corrections  
P.O. Box 598, 2520 Lisburn Rd.  
Camp Hill, PA 17001-0598

Dear Secretary Beard:

I type you this letter concerning a matter, which is causing my family and I great hardship, in which I ask your assistance.

My family and I am life long residence of Columbia County. My son, James Pavlichko DK-0199, is currently under the jurisdiction of the Pennsylvania Department of Corrections and is currently incarcerated at the State Correctional Institution at Graterford, Montgomery County.

As my is a state prisoner under the jurisdiction of the state Department of Corrections, it is Secretary of Corrections who designates the institution in which my son will serve his sentence, and who has authority to transfer him to any other institution. Neither the court, nor my son's attorney can have my son transferred, only Secretary Beard.

My wife and I are elderly and in poor health, as a result, it is causing my family and I great hardship having my son so far away from our home region. Traveling such great distance to visit my son is very detrimental to my health.

I have been informed that that with your intervention, my son can obtain a transfer to a State Correctional Institution closer to home, such as, SCI-Dallas, SCI-Retreat, or SCI-Waymart. It is my understanding that a request to the Secretary of Corrections explaining the hardship and circumstances, a transfer of my son may be seriously considered.

My son has attempted through SCI-Graterford staff to obtain such a transfer to an institution closer to home, to no avail.

**Exhibit A**

Any assistance and relief you may be able to provide my family and I in this matter would be greatly appreciated.

I thank you in advance for your time and consideration in this matter of great hardship.

With every best wish, I remain,

Sincerely yours,

  
MICHAEL PAVLICHKO, JR.

DATE: 4-2-02

ENCLOSURE: (1) Physicians Note

A-2



Temple University  
Health System

Temple Physicians

**Hass Shafia, M.D., F.A.C.C.**

1364 E. Hunting Park Avenue  
Philadelphia, PA 19124

Tel (215) 289-3390  
Fax (215) 289-7072

Episcopal Hospital  
Medical Arts Building, Suite 305  
100 E. Lehigh Avenue  
Philadelphia, PA 19125

Tel (215) 427-3763  
Fax (215) 427-7358

To Whom It May Concern:

This letter is to certify that Mr. Michael Pavlichko is under my care for hypertension, coronary heart disease with bypass surgery as well as advanced peripheral vascular disease.

He is quite limited in his physical activities and driving. Any form of assistance to help him to decrease his activities and driving time would be of great help to him.

He has a great deal of problem in driving a long distance to visit his son who is incarcerated. Relocation of his son to a closer facility should significantly decrease the burden of driving and its adverse physical consequences.

With best regards,

Hass Shafia, MD

A-3



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P. O. BOX 598  
CAMP HILL, PENNSYLVANIA 17001-0598

OFFICE OF THE  
SECRETARY OF CORRECTIONS

April 4, 2002

Michael Pavlichko, Jr.  
565 Paperdale Road  
Stillwater, PA 17878

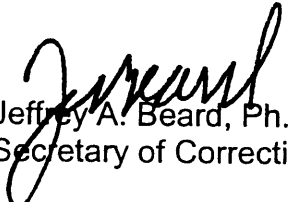
Dear Mr. Pavlichko:

This is in response to your letter received in my office on April 3, 2002, in which you requested, due to the poor health of both you and your wife, that your son, James Pavlichko DK0199, be transferred from SCI-Graterford and closer to home so that you and your wife can visit him.

Inmate transfers are initiated at the institution level and are determined by the following criteria: custody level, security requirements, programming, and individual assessment. I recommend that your son again discuss the possibility of a transfer with his unit management team.

A copy of your letter and attachment will be forwarded to Supt. Donald Vaughn at SCI-Graterford for review and response.

Sincerely,

  
Jeffrey A. Beard, Ph. D.  
Secretary of Corrections

JAB:SMB

cc: Superintendent Vaughn (w/attachment)  
Central Files  
File

**Exhibit B**

J A M E S S. P A V L I C H K O, S R.

SCI-Graterford, #DK-0199  
D-A-1033  
Box 244, Route 29  
Graterford, Pennsylvania 19426

---

August 11, 2002

Mr. Anthony Kovolchik  
Unit Manager  
SCI-Graterford  
Box 246, Route 29  
Graterford, PA 19426

[ATTACHMENTS: (5)]

and

Mr. Larry LaRose  
Counselor  
SCI-Graterford  
Box 246, Route 29  
Graterford, PA 19426

RE: INSTITUTIONAL TRANSFER

Dear Mr. Kovolchik & Mr. LaRose:

I type you this letter regarding consideration for a transfer out of SCI-Graterford, to say, SCI-Coal Twp.

As evidenced by the attached letter from Secretary Jeffrey A. Beard, the Secretary recommended that I discuss the possibility of such a transfer with my Unit Management team, which I am doing at this time pursuant to the Secretary's instructions.

Attached also you will find a copy of a letter in this regard from my father's Physician, as well as State Representative John R. Gordner, and State Senator Edward W. Helfrick, and U.S. Congressman, Paul E. Kanjorski.

I kindly ask that I be considered and processed, via, Vote Sheet, and Transfer Petition to Central Office, for a transfer to an institution closer to my home region, such as SCI-Coal Twp. I understand I probably do not qualify for SCI-Mahanoy or SCI-Retreat, thats why I ask for a transfer to SCI-Coal Twp., which is an institution more suitable for me, under my circumstances, and programming needs, and in light of my sentence.

Should I not qualify for a "hardship" transfer, I ask that I be considered for an "Administrative Transfer" be a separation from staff member, in light of the recent problem I am having with staff here on my Housing Unit.


I thank you's in advance for your time and consideration in this matter. If it would be more appropriate that my family or I seek such from Central Office, please advise me, and I will inform them as well as Representative GORDNER, and Senator HELFRICK.

I await your response and decision so I know how I must proceed in this matter. Any assistance in this endeavor would be deeply appreciated by both my family and myself.

Exhibit C

Mr. Anthony Kovolchik, and  
Mr. Larry LaRose  
August 11, 2002  
Page Two

Sincerely,

  
JAMES S. PAVLICHKO, SR.  
DOC I.D.#: DK-0199

JSP/

cc: Secretary Jeffrey A. Beard  
Honorable John R. Gordner, State Representative  
Honorable Edward W. Helfrick, State Senator  
Honorable Paul E. Kanjorski, U.S. Congressman  
Michael Pavlichko, Jr.  
File

C-2



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P. O. BOX 598  
CAMP HILL, PENNSYLVANIA 17001-0598

OFFICE OF THE  
SECRETARY OF CORRECTIONS

April 4, 2002

Michael Pavlichko, Jr.  
565 Paperdale Road  
Stillwater, PA 17878

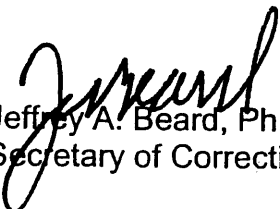
Dear Mr. Pavlichko:

This is in response to your letter received in my office on April 3, 2002, in which you requested, due to the poor health of both you and your wife, that your son, James Pavlichko DK0199, be transferred from SCI-Graterford and closer to home so that you and your wife can visit him.

Inmate transfers are initiated at the institution level and are determined by the following criteria: custody level, security requirements, programming, and individual assessment. I recommend that your son again discuss the possibility of a transfer with his unit management team.

A copy of your letter and attachment will be forwarded to Supt. Donald Vaughn at SCI-Graterford for review and response.

Sincerely,

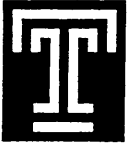
  
Jeffrey A. Beard, Ph. D.  
Secretary of Corrections

JAB:SMB

cc: Superintendent Vaughn (w/attachment)  
Central Files  
File

C-3





Temple University  
Health System

Temple Physicians

**Hass Shafia, M.D., F.A.C.C.**

1364 E. Hunting Park Avenue  
Philadelphia, PA 19124

Tel (215) 289-3390  
Fax (215) 289-7072

Episcopal Hospital  
Medical Arts Building, Suite 305  
100 E. Lehigh Avenue  
Philadelphia, PA 19125

Tel (215) 427-3763  
Fax (215) 427-7358

To Whom It May Concern:

This letter is to certify that Mr. Michael Pavlichko is under my care for hypertension, coronary heart disease with bypass surgery as well as advanced peripheral vascular disease.

He is quite limited in his physical activities and driving. Any form of assistance to help him to decrease his activities and driving time would be of great help to him.

He has a great deal of problem in driving a long distance to visit his son who is incarcerated. Relocation of his son to a closer facility should significantly decrease the burden of driving and its adverse physical consequences.

With best regards,

Hass Shafia, MD

C-4

**JOHN R. GORDNER, MEMBER**  
MAIN CAPITOL BUILDING  
HOUSE POST OFFICE BOX 202020  
HARRISBURG, PENNSYLVANIA 17120-2020  
PHONE: (717) 783-1102  
FAX: (717) 772-0094

9048 ORANGE STREET  
BERWICK, PENNSYLVANIA 18603  
PHONE: (570) 759-8734  
FAX: (570) 759-4527

115 EAST SEVENTH STREET  
BLOOMSBURG, PENNSYLVANIA 17815  
PHONE: (570) 387-0246  
FAX: (570) 387-4288



**House of Representatives**  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

March 27, 2002

**COMMITTEES**

COMMERCE AND ECONOMIC DEVELOPMENT,  
SUBCOMMITTEE CHAIRMAN - HOUSING  
AGRICULTURE AND RURAL AFFAIRS  
PROFESSIONAL LICENSURE

HOUSE EAST CENTRAL CAUCUS  
FIREFIGHTERS' AND EMERGENCY SERVICES  
LEGISLATIVE CAUCUS  
HISTORICAL PRESERVATION CAUCUS  
HOUSE LOCAL TAX REFORM CAUCUS  
LEGISLATIVE SPORTSMEN'S CAUCUS

MEMBER, BEN FRANKLIN TECHNOLOGY  
DEVELOPMENT AUTHORITY

Jeffrey A. Beard, Secretary  
PA Department of Corrections  
2520 Lisburn Road  
P.O. Box 598  
Camp Hill, PA 17001-0598

Dear Secretary Beard:

I am requesting your consideration of the transfer of a state prisoner due to the physical hardship of his elderly parents who reside in my legislative district in Columbia County.

James Pavlichko is currently incarcerated at SCI Graterford, Montgomery County and it has become extremely difficult for his parents, Michael and Mary, to travel the distance to visit him.

I am forwarding a copy of his father's letter, along with a statement from his physician explaining Mr. Pavlichko's physical limitations. Mr. Pavlichko is requesting that his son be transferred to either SCI Dallas, SCI Retreat or SCI Waymart, to enable them to visit him more often.

I respectfully request your consideration to transfer James Pavlichko to a facility closer to Columbia County.

Very truly yours,

A handwritten signature in black ink, appearing to read "John R. Gordner".

JOHN R. GORDNER

JRG/emr  
Enclosures

C-5

COMMITTEES

GAME AND FISHERIES, CHAIRMAN  
FINANCE, VICE CHAIRMAN  
BANKING AND INSURANCE  
ENVIRONMENTAL RESOURCES AND  
ENERGY  
JUDICIARY



Senate of Pennsylvania

March 27, 2002

27TH DISTRICT  
EDWARD W. HELFRICK

SENATE BOX 203027  
173 MAIN CAPITOL BUILDING  
HARRISBURG, PA 17120-3027  
(717) 787-8928  
FAX: (717) 787-9715

101 WEST STATE ROUTE 61  
MT. CARMEL, PA 17851-2539  
(570) 339-5937  
FAX: (570) 275-7400

702 SAWMILL ROAD  
SUITE 103  
BLOOMSBURG, PA 17815  
(570) 784-3464

SHAMOKIN DAM BOROUGH BUILDING  
144 WEST 8TH AVENUE  
P.O. BOX 456  
SHAMOKIN DAM, PA 17876  
(570) 743-1918

Dr. Jeffrey Beard, Secretary  
PA Department of Corrections  
P.O. Box 598, 250 Lisburn Road  
Camp Hill, Pa. 17001-0598

Re: James Pavlichko  
DK 0199

Dear Dr. Beard:

I am writing on behalf of the above individual's parents, Mr. and Mrs. Michael Pavlichko. They are seeking to have their son transferred from Graterford SCI to a facility closer to their home – SCI, Dallas, SCI, Retreat or SCI, Waymart. It is extremely difficult for the parents to make a round trip drive to have the opportunity to visit with their son. Mr. Pavlichko is under doctor's care for multitude physical ailments, most incapacitating of which is coronary heart disease with bypass surgery, hypertension, and advanced peripheral vascular disease. I have enclosed a letter from Dr. Hass Shafia which addresses Mr. Pavlichko's condition.

Thank you for your time and consideration of Mr. & Mrs. Pavlichko's request.

Sincerely,

A handwritten signature in black ink that reads "Edward W. Helfrick".

EDWARD W. HELFRICK  
State Senator

EWH:mk  
Enclosure  
cc: M. Pavlichko ✓

C-6

PAUL E. KANJORSKI  
11TH DISTRICT, PENNSYLVANIA

COMMITTEE ON FINANCIAL  
SERVICES

RANKING MEMBER:

SUBCOMMITTEE ON CAPITAL MARKETS, INSURANCE,  
AND GOVERNMENT SPONSORED ENTERPRISES

COMMITTEE ON GOVERNMENT REFORM

DEMOCRATIC WHIP-AT-LARGE



Congress of the United States  
Washington, DC 20515-3811

March 28, 2002

WASHINGTON OFFICE:

2353 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-3811  
(202) 225-6511

Website: <http://www.house.gov/kanjorski>  
E-mail: [paul.kanjorski@mail.house.gov](mailto:paul.kanjorski@mail.house.gov)

DISTRICT OFFICES:

THE STEGMAIER BUILDING  
7 NORTH WILKES-BARRE BOULEVARD  
SUITE 400 M  
WILKES-BARRE, PA 18702-5283  
(570) 825-2200

KULPMONT MUNICIPAL BUILDING  
860 SPRUCE STREET  
KULPMONT, PA 17834-1346  
(570) 373-1541

TOLL FREE HELP-LINE  
(800) 222-2346

Mr. Michael Pavlichko, Jr.  
565 Paperdale Road  
Stillwater, Pennsylvania 17878

Dear Mr. Pavlichko:

Thank you for contacting my office regarding your request for assistance.

I certainly want to help you in any way possible and assigned your case, #968005, to my staff assistant Liz Gobla. We will work hard to ensure a quick resolution to your case. In the meantime, if you have any questions or feel I may be of further assistance to you, please do not hesitate to contact Ms. Gobla or me at 1-800-222-2346 or 1-570-825-2200.

Sincerely,

Paul E. Kanjorski  
Member of Congress

PEK/jmd

C-7

DC-46 (Rev. 12/01)  
SCI-GRATERFORDCOMMONWEALTH OF PENNSYLVANIA  
Department of Corrections

## VOTE SHEET

DC # <u>DK0199</u>	NAME <u>Paulichko, James</u>	CUSTODY LEVEL & CODE(S) <u>3420</u>	DATE <u>08/27/02</u>
MINIMUM <u>Life</u>	MAXIMUM <u>Life</u>	DETAINER(S) <u>09/11/06 Luzern Co. VOP/Threat/Retail Theft</u>	ESCAPE(S) <u>N/A</u>
PACT DATE	PURPOSE <u>08/28/97 Schuylkill Co. 15y to 40y Cr. Cons. C.S.</u> <u>Promotional Transfer / Hardship (Meharoy)</u>		

YES NO

COMMENTS

Does not meet the criteria as outlined in 11.2.1-5, however would benefit to be closer to his 6 children and ailing father

would be more of a father to his 6 children if closer

Does not meet 11.2.1-5 Policy  
Csec memo from Secretary Beare dated 4-2-02  
1 year misconduct free will occur in Oct. 2002. Program as implement is lacking. Adjustment mediocre at best. All the hardship transfer

## STAFF RECOMMENDATIONS:

The Unit Team has reviewed Mr Paulichko's case and is split in their decision on a Promotional Transfer at this time. The majority are in favor due to Mr Paulichko benefiting from being closer to his 6 children & father who is ailing. The minority does not recommend based on Secretary Beare's memo dated 4-2-02 in which he must meet the criteria as outlined in Policy 11.2.1-5

COMMENTS: Does not meet criteria and does not warrant consideration given lack of programming and mediocre adjustment

COMMENTS: Consider for hardship; based on documentation. DDF/lyl

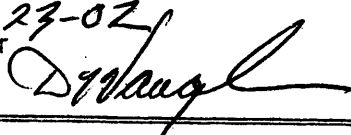
Deputy Superintendent for Centralized Services

☒ Yes ☒ No

Deputy Superintendent for Facilities Management

☒ Yes ☐ No

COMMENTS:

FINAL APPROVAL: DATE: 9-23-02  
Superintendent or Unit Manager


APPROVED

DISAPPROVED

Exhibit D

Counselor Evaluation:

Mr. Pavlichko, age 33 is serving a life sentence for Murder I, is now requesting a promotional transfer to another institution in the Eastern area.

Mr. Pavlichko, has not been involved with programs. He was released by mutual agreement from employment in plumbing maintenance in May of 2000. Since this time he has been employed in the Main Kitchen area. His last conduct infraction occurred in October of 2001 for "possession of contrab. 18d D.C.) and the most serious is Sept. of 99 for Fighting (30d D.C.)

Mr. Pavlichko, is requesting a promotional /hard ship

A.M. HOUSING REPORT:  
P.M. HOUSING REPORT:

PRESCRIPTIVE PLAN:

JOB TITLE:  
WORK EVAL:

ACTIVE/COMPLETED PROGRAMS:

D-2